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SOURCE Sotsialisticheskaya Zakonnost', No 2, 1949.APPELLATE DECISIONS IN NOVOSIBIRSK COURT NOT DISSEMINATED;
SOME CASES TRIED WITHOUT DEFENSE COUNSEL

Siadorov, President of the Novosibirsk Oblast Court, has prepared numerous statements on criminal and civil cases which have had to go through complaints and reopenings collegiums after trial in the people's courts. The Administration of the Ministry of Justice of Novosibirsk Oblast, however, does not make practical use of these statements. In general, the people's assessors of the oblast are unfamiliar with their contents.

The Administration is equally lax in giving instructions to the people's assessors. Knyazev, director of the Administration, is apparently not cooperating with the President of the Oblast Court.

Assessor duty in the Novosibirsk Oblast Court is a little better organized than that in the Smolensk Oblast Court, since only one assessor, rather than two, is attached to a people's judge at one time. The Novosibirsk Oblast Court, however, has a serious shortcoming in common with the Smolensk Oblast Court: the people's judge never knows who is to be attached to him for duty, nor when to expect him. The judge, therefore, cannot properly prepare himself beforehand, nor know to what to direct the assessor's main attention when he does arrive.

The Administration of the Ministry of Justice must rectify this situation. It must give the Oblast Administration a definite schedule of duty for people's assessors. The Administration of the Oblast Court must then present this plan to the people's judges and attach a people's assessor for duty with the judge who is studying the cases of this particular people's assessor. In the majority of cases this is not being done.

Another defect lies in the fact that the people's assessors begin their terms of duty without a definite work plan. This must be worked out by the Administration of the Ministry of Justice. Terms of duty are often not completed because the people's assessor is called back to work a few days after the start of his duty. People's assessors Shubinyy, Zelentsova, and others have been relieved in this manner.

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There have been instances in which the attention of the Oblast Administration has been specifically called to shortcomings in an assessor's term of duty, and yet the Administration has taken no action. It was reported, for instance, at a meeting of oblast people's judges that assessor Denisova had shown complete ignorance of the elementary principles of criminal and civil law during her term of duty. Knyazev, director of the Administration, was present at the meeting, and yet took no subsequent measures to raise Denisova's qualifications. The results of her work later proved deplorable.

The collegium of the Oblast Court has found it necessary to pass numerous special judgments on legal procedural infringements committed by assessors. Since these judgments do not necessarily result in reversal of decision or change of sentence, the Administration of the Ministry of Justice sees fit to ignore them.

A particularly large number of special judgments are passed on infringements of Article 34 of the Criminal Code, in which people's courts, when passing a sentence of over one year's loss of freedom, fail to consider the aspect of depriving the offender from certain other rights. Articles 79 and 80 of the UZR, involving negligence in recording of preliminary hearings and court sessions, and property confiscation by the court where authorized by the article, are also frequent subjects for special comment.

Administration Director Knyazev is permitting habitual infringements despite the fact that these special judgments are referred to him. It has been pointed out to him that certain cases are being tried without benefit of defense counsel, although at the preliminary hearings it has been determined that the case is one to be heard with a prosecuting attorney and a defense counsel. The Administration does not act. Kryzhevskina, assessor of Kachkovskiy Rayon, has habitually violated Article 34 of the Criminal Code. Despite special judgments in every case of violation, the Administration has done nothing about it.

Poor legal preparation of cases and inadequate examination of case data account for most decision reversals.

People's assessors must attach more importance to civil cases which far outnumber the criminal cases going through the courts.

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